

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NEW YORK LIFE INSURANCE COMPANY,

Plaintiff,

-against-

DAVID L. GALICIA, *et al.*,

Defendants.

MEMORANDUM & ORDER
20-CV-3005 (NGG) (RML)

NICHOLAS G. GARAUFIS, United States District Judge.

Pending before the court is what remains of Plaintiff's interpleader action to distribute the final proceeds of a life insurance policy for Carmelita Cabansag. (Compl. (Dkt. 1).) Cabansag was killed on April 24, 2020, and one of the beneficiaries of insurance policy – her own son – was later convicted of the crime. (Death Certificate (Dkt. 1-9); Report and Recommendation ("R&R") (Dkt. 21) at 1-2.) After the conviction, Magistrate Judge Robert M. Levy issued the annexed report and recommendation that the remaining insurance proceeds be distributed to the sole remaining beneficiary, Cabansag's nephew, Leonardo L. Sy, because her son, David L. Galicia, cannot collect on the policy under New York's "Slayer Rule." (R&R at 3-4.)

No party has objected to Magistrate Judge Levy's R&R, and the time to do so has passed. *See* Fed. R. Civ. P. 72(b)(2). Therefore, the court reviews the R&R for clear error. *See Velasquez v. Metro Fuel Oil Corp.*, 12 F. Supp. 3d 387, 397 (E.D.N.Y. 2014). Having found none, the court ADOPTS the R&R in full and, for the reasons stated in the R&R, ORDERS the remaining proceeds of \$25,510.27 to be distributed to Sy. The clerk is respectfully directed to close this case.

SO ORDERED.

Dated: Brooklyn, New York
August 24, 2022

s/NGG

NICHOLAS G. GARAUFIS
United States District Judge